

1 CHILD WELFARE SERVICES AMENDMENTS

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Kay J. Christofferson

5 Senate Sponsor: Margaret Dayton

7 LONG TITLE

8 General Description:

9 This bill expands available funding sources for the provision of post-adoption services.

10 Highlighted Provisions:

11 This bill:

12 ▶ allows the division to use division-designated post-adopt funds to provide services
13 to a child who is adopted from the custody of the division, without requiring that a
14 parent terminate parental rights, or that a parent or legal guardian of the child
15 transfer or surrender custodial rights, in order to receive the services; and

16 ▶ makes technical changes.

17 Money Appropriated in this Bill:

18 None

19 Other Special Clauses:

20 None

21 Utah Code Sections Affected:

22 AMENDS:

23 **62A-4a-106**, as last amended by Laws of Utah 2016, Chapter 219

25 *Be it enacted by the Legislature of the state of Utah:*

26 Section 1. Section **62A-4a-106** is amended to read:

27 **62A-4a-106. Services provided by division.**

28 (1) The division may provide, directly or through contract, services that include the
29 following:

- 30 (a) adoptions;
- 31 (b) day care for children;
- 32 (c) out-of-home placements for minors;
- 33 (d) health-related services;
- 34 (e) homemaking services;
- 35 (f) home management services;
- 36 (g) protective services for minors;
- 37 (h) transportation services; and
- 38 (i) domestic violence services.

39 (2) [~~Services~~] The division shall monitor services provided directly by the division or
40 through contract [~~shall be monitored by the division to insure~~] to ensure compliance with
41 applicable[?] law and rule.

42 [~~(a) state law; and~~]

43 [~~(b) standards and rules of the division.~~]

44 (3) When the division provides a service through a private contract, not including a
45 foster parent placement, the division shall post the name of the service provider on the
46 division's website.

47 (4) Unless a parent or guardian of a child who is adopted from the custody of the
48 division expressly requests otherwise, the division may not, solely on the basis that the parent
49 or guardian contacts the division regarding services or requests services from the division:

- 50 (a) remove or facilitate the removal of a child from the child's home;
- 51 (b) file a petition for removal of a child from the child's home;
- 52 (c) file a petition for a child protective order;
- 53 (d) make a supported finding;
- 54 (e) seek a substantiated finding;
- 55 (f) file a petition alleging that a child is abused, neglected, dependent, or abandoned; or
- 56 (g) file a petition for termination of parental rights.

57 (5) (a) The division shall, to the extent that sufficient funds are available, use out-of-

58 home funds or division-designated post-adopt funds to provide services to a child who is
59 adopted from the custody of the division, without requiring that a parent terminate parental
60 rights, or that a parent or legal guardian of the child transfer or surrender custodial rights, in
61 order to receive the services.

62 (b) The division may not require, request, or recommend that a parent terminate
63 parental rights, or that a parent or guardian transfer or surrender custodial rights, in order to
64 receive services, using out-of-home funds, for a child who is adopted from the custody of the
65 division.

66 (6) (a) As used in this Subsection (6), "vendor services" means services that a person
67 provides under contract with the division.

68 (b) If a parent or guardian of a child who is adopted from the custody of the division
69 requests vendor services from the division, the division shall refer the parent or guardian to a
70 provider of vendor services, at the parent's or guardian's expense, if:

71 (i) (A) the parent, guardian, or child is not eligible to receive the vendor services from
72 the division; or

73 (B) the division does not have sufficient funds to provide the services to the parent,
74 guardian, or child;

75 (ii) the parent, guardian, or child does not have insurance or other funds available to
76 receive the services without the referral; and

77 (iii) the parent or guardian desires the referral.

78 (c) If the division awards, extends, or renews a contract with a vendor for vendor
79 services, the division shall include in the contract a requirement that a vendor to whom the
80 division makes a referral under Subsection (6)(b):

81 (i) provide services to the parent, guardian, or child at a rate that does not exceed the
82 rate that the vendor charges the division for the services; and

83 (ii) may not charge the parent, guardian, or child any fee that the vendor does not
84 charge the division.